



Overview of Sales Disclosure Form

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Nuts and Bolts of the SDF

IC 6-1.1-5.5-1

"Conveyance" defined

- Sec. 1. As used in this chapter, "conveyance" means any transfer of a real property interest for valuable consideration.



Nuts and Bolts of the SDF

IC 6-1.1-5.5-2

"Conveyance document" defined

Sec. 2. (a) As used in this chapter, "conveyance document" means any of the following:

- (1) Any of the following that purports to transfer a real property interest for valuable consideration:
 - (A) A document.
 - (B) A deed.
 - (C) A contract of sale.
 - (D) An agreement.
 - (E) A judgment.
 - (F) A lease that includes the fee simple estate and is for a period in excess of ninety (90) years.
 - (G) A quitclaim deed serving as a source of title.
 - (H) Another document presented for recording.
- (2) Documents for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate.
- (3) Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety.



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Continued . . .

(b) The term does not include the following:

- (1) Security interest documents such as mortgages and trust deeds.
- (2) Leases that are for a term of less than ninety (90) years.
- (3) Agreements and other documents for mergers, consolidations, and incorporations involving solely nonlisted stock.
- (4) Quitclaim deeds not serving as a source of title.
- (5) Public utility or governmental easements or rights-of-way.



Nuts and Bolts of the SDF

IC 6-1.1-5.5-3

**Sales disclosure form filing and review process;
forwarding and use of forms; confidential
information; conveyance of multiple parcels**

Sec. 3. (a) For purposes of this section, "party"
includes:

- (1) a seller of property that is exempt under the seller's ownership; or
- (2) a purchaser of property that is exempt under the purchaser's ownership;
from property taxes under IC 6-1.1-10.



Nuts and Bolts of the SDF

Continued . . .

(b) Subject to subsections (g) and (h), before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must do the following:

- (1) Complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.

For conveyance transactions involving more than two (2) parties, one (1) transferor and one (1) transferee signing the sales disclosure form is sufficient.

- (2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor. The county assessor must review the accuracy and completeness of each sales disclosure form submitted immediately upon receipt of the form and, if the form is accurate and complete, stamp or otherwise approve the form as eligible for filing with the county auditor and return the form to the appropriate party for filing with the county auditor. If multiple forms are filed in a short period, the county assessor shall process the forms as quickly as possible.



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Continued . . .

- For purposes of this subdivision, a sales disclosure form is considered to be accurate and complete if:
 - (A) the county assessor does not have substantial evidence when the form is reviewed under this subdivision that information in the form is inaccurate; and
 - (B) both of the following conditions are satisfied:
 - (i) The form contains the information required by section 5(a)(1) through 5(a)(16) of this chapter as that section applies to the conveyance transaction, subject to the obligation of a party to furnish or correct that information in the manner required by and subject to the penalty provisions of section 12 of this chapter. The form may not be rejected for failure to contain information other than that required by section 5(a)(1) through 5(a)(16) of this chapter.
 - (ii) The form is submitted to the county assessor in a format usable to the county assessor.



Nuts and Bolts of the SDF

Continued . . .

- The parties must then file the sales disclosure form with the county auditor.

- (c) The auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency on or before April 1 in a year ending before January 1, 2016, and on or before February 1 in a year beginning after December 31, 2015. The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.



Nuts and Bolts of the SDF

Continued . . .

- (e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.
- (f) County assessing officials, county auditors, and other local officials may not establish procedures or requirements concerning sales disclosure forms that substantially differ from the procedures and requirements of this chapter.
- (g) Except as provided in subsection (h), a separate sales disclosure form is required for each parcel conveyed, regardless of whether more than one (1) parcel is conveyed under a single conveyance document.
- (h) Only one (1) sales disclosure form is required for the conveyance under a single conveyance document of two (2) or more contiguous parcels located entirely within a single taxing district.



Nuts and Bolts of the SDF

IC 6-1.1-5.5-4

Filing fee; exceptions; distribution of revenue

- Sec. 4. (a) Except as provided in subsection (b), a person filing a sales disclosure form under this chapter shall pay a fee of ten dollars (\$10) to the county auditor.
- (b) No fee is due and payable under subsection (a) if the conveyance to which the sales disclosure form filing applies is either or both of the following:
 - (1) To a charity.
 - (2) Under a conveyance document described in section 2(a)(2) or 2(a)(3) of this chapter.
- (c) Fifty percent (50%) of the revenue collected under this section and section 12 of this chapter shall be deposited in the county sales disclosure fund established under section 4.5 of this chapter. Fifty percent (50%) of the revenue shall be transferred to the state treasurer for deposit in the state assessment training fund established under section 4.7 of this chapter.



Nuts and Bolts of the SDF

IC 6-1.1-5.5-6

Acceptance of form by county auditor; requirements for recording

Sec. 6. (a) The county auditor may not accept a conveyance document if:

- (1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; or
- (2) the sales disclosure form does not contain the information required by section 5(a)(1) through 5(a)(16) of this chapter as that section applies to the conveyance, subject to the obligation of a party to furnish or correct the information in the manner required by and subject to the penalty provisions of section 12 of this chapter.

(b) The county recorder shall not record a conveyance document without evidence that the parties have filed with the county auditor a sales disclosure form approved by the county assessor as eligible for filing under section 3(b)(2) of this chapter.



Nuts and Bolts of the SDF

IC 6-1.1-5.5-12 (EXCERPT ONLY)

Civil penalties

Sec. 12. (a) A party to a conveyance who:

(1) either:

(A) files a sales disclosure form that does not contain all of the information required by this chapter; or

(B) files a sales disclosure form that contains inaccurate information; and receives from the township assessor (in a county containing a consolidated city) or the county assessor (in any other county) written notice of the problems described in clause (A) or (B); and

(2) fails to file a correct sales disclosure form that fully complies with all requirements of this chapter within thirty (30) days after the date of the notice under subdivision (1);

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.



What happened in 2014?

- The Department reached out to the Assessors' Association, Indiana Land Title Association, Indiana State Bar, and Indiana Department of Transportation to solicit feedback for SDF revisions.
- Over the course of several months, the form was revised, incorporating as many suggestions as possible.
- If a suggestion could not be adopted, it was due to one of three reasons: 1) state law would not permit it; 2) the change would require scrapping the form and starting over; or 3) the basis for the suggestion could be addressed through enhanced training or guidance.



General Changes

General:

- Corrections to code citations, spacing, syntax, abbreviations, punctuation, etc.
- Made name/signature boxes larger.
- Made two editions of form available. Version #1: form, instructions, and deductions pages as one file. Version #2: form, instructions, and deductions pages as three separate files.
- Created separate, fillable PDF that can be used to document additional parcels that can be included with single sales disclosure form (essentially Part I(A)).



Part 1 A Changes

- Clarification that multiple parcels can be listed on the form only if they are contiguous and located entirely within a single taxing district. (statute)
- Added boxes for describing the ownership interest transferred. (statute)

PART 1 – To be completed by BUYER/GRANTEE and SELLER/GRANTOR			
A. PROPERTY TRANSFERRED – Must be conveyed on a single conveyance document.			
<i>Additional parcels can be listed on State Form 55632 and attached only if they are contiguous and located entirely within a single taxing district.</i>			
1. Property Number	Check box if applicable to parcel.	5. Complete Address of Property	6. Complete Tax Billing Address (if different from property address)
A.)	<input type="checkbox"/> 2. Split <input type="checkbox"/> 3. Land <input type="checkbox"/> 4. Improvement		
7. Legal Description of Parcel A		8. Describe ownership interest transferred	
B.)	<input type="checkbox"/> 2. Split <input type="checkbox"/> 3. Land <input type="checkbox"/> 4. Improvement		
7. Legal Description of Parcel B		8. Describe ownership interest transferred	



Part 1 B Changes

- Changed “Identify all that apply” to “Check only those that apply” (a party submitting the form to the county need only check those boxes that apply; when the county submits data to the Department, the county can check the unchecked boxes “No”).
- Condition #4 (exchange/trade): added “provide parcel number of traded property.”
- Condition #8: changed “Land contract” to “Contract.”

B. CONDITIONS – Check only those that apply.

If condition 1 applies, filer is subject to disclosure and a disclosure filing fee.

YES	NO	CONDITION
-----	----	-----------

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. A transfer of real property interest for valuable consideration. |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Buyer is an adjacent property owner. |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Vacant land. |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Exchange for other real property ("Trade").
Provide parcel number of traded property: _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Seller paid points.
(Provide the value in Table C, Item 13.) |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Change planned in the primary use of the property?
(Describe in special circumstances in Table C, Item 3.) |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Existence of family or business relationship between buyer and seller. (Complete Table C, Item 4.) |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Contract. Contract term (year): _____
and contract date (mm/dd/yyyy): _____ |



Part 1 B Changes

- Condition #10: changed March 1 to “assessment date” (to account for change in assessment dates starting in 2016).
- Condition #12: concerning easements, clarified that “normally public utility/governmental easements or rights-of-way that do not transfer fee simple do not require a sales disclosure form. See instructions for more information.”
- Condition #13: removed term “judgment” as this is already covered by court order and does not appear in statute.
- Condition #15: removed term “government” as this does not appear in statute.

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Physical changes to property between assessment date and date of sale.
<i>(Describe in special circumstances in Table C, Item 3.)</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Partial interest.
<i>(Describe in special circumstances in Table C, Item 3.)</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Easements or right-of-way grants.
<i>(Please note that normally public utility/governmental easements or rights-of-way that do not transfer fee simple do not require a sales disclosure form. See the instructions for more information.)</i> |

If conditions 13-15 apply, filers are subject to disclosure, but no disclosure filing fee.

- | YES | NO | CONDITION |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate. |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety. |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Transfer to a charity or not-for-profit organization. |



Part 1 C Changes

- #1: Added line for date the deed was delivered.
- #5: Amended this to pertain to individual personal property (made corresponding adjustment to Section B, condition #9).
- Added #6 to cover depreciable personal property (made corresponding adjustment to Section B, condition #9).
- #7: Amended this to make clear that “For multiple parcel sales on multiple sales disclosures, the sale price on all disclosures must be the total sale price of the entire transaction.”

C. SALES DATA – *Disclose value of items listed in Table B, Items 1-15*

1. Conveyance date (mm/dd/yyyy): _____
(See the instructions for the definition of this term.)
Date deed delivered (mm/dd/yyyy): _____

5. Estimated value of individual personal property:	\$
6. Estimated value of depreciable personal property:	\$
7. Sales price: (For multiple parcel sales on multiple sales disclosures, the sale price on all disclosures must be the total sale price of the entire transaction.)	\$



Part 1 C Changes

- Regarding family or business relationship, amended “Disclose actual value in money” phrase to include “excluding tax payments and payments for legal and other services incidental to the conveyance” and relocated this phrase to the Sales Price box. (statute)
- Condition #10 (formerly #9): now defines “mortgage loan” to mean the borrower gives the lender a lien on the property as collateral for the loan.
- Regarding question “Is this a mortgage loan,” added phrase “If no, state loan type”. (statute)

7. Sales price: *(For multiple parcel sales on multiple sales disclosures, the sale price on all disclosures must be the total sale price of the entire transaction.)*

\$

Disclose actual value in money, property, a service, an agreement, or other consideration, excluding tax payments and payments for legal and other services incidental to the conveyance.

YES NO CONDITION

☐☐

8. Is the seller financing sale?
(If yes, answer questions 9-14.)

☐☐

9. Is buyer/borrower personally liable for loan?

☐☐

10. Is this a mortgage loan? *(meaning the borrower gives the lender a lien on the property as collateral for the loan)*
If no, state loan type: _____



Part 1 E Changes

- Moved e-mail/telephone number boxes to below the printed name/title boxes.
- Amended signature box to cover “Seller/Representative.”
- Amended “Printed Name of Seller” box to say “If name of signer differs from name as it appears on conveyance document, print name of signer here.”

E. SELLER(S)/GRANTOR(S)			
Seller 1 - Name as appears on conveyance document		Seller 2 - Name as appears on conveyance document	
Address (number and street)		Address (number and street)	
City, state, and ZIP Code		City, state, and ZIP Code	
Under penalties of perjury, I hereby certify that this Sales Disclosure, to the best of my knowledge and belief, is true, correct and complete as required by law, and is prepared in accordance with IC 6-1.1-5.5, "Real Property Sales Disclosure Act".			
Signature of Seller/Representative 1	Date signed (mm/dd/yyyy)	Signature of Seller/Representative 2	Date signed (mm/dd/yyyy)
If name of signer differs from name as it appears on conveyance document, print name of signer here.	Title of Seller/Representative	If name of signer differs from name as it appears on conveyance document, print name of signer here.	Title of Seller/Representative
E-mail address	Telephone number ()	E-mail address	Telephone number ()



Part 1 F Changes

- Amended box explaining use of sales disclosure form as application for deductions to make it clearer and more detailed.
- Added phrase “A sales disclosure form submitted to the county assessor and county auditor by December 31 by or on behalf of the purchaser(s) of a homestead (as defined by IC 6-1.1-12-37) assessed as real property may be used to apply for certain deductions.”
- Amended question #1 to eliminate requirement that address of primary residence be included. Also added “(Meaning homestead)” to “primary residence.”
- Regarding question #2, clarified that “if buyer moves from his Indiana homestead after March 1 to a new homestead during that same year, the buyer may receive the Homestead Deduction on both properties for that assessment date.” (statute)
- For box #3, clarified that person must actually use the property as his or her homestead during the year for which person is applying.

A sales disclosure form submitted to the county assessor and county auditor by December 31 by or on behalf of the purchaser(s) of a homestead (as defined by IC 6-1.1-12-37) assessed as real property may be used to apply for certain deductions.

(Select those deductions for which the purchaser(s) want to apply.)

YES	NO	CONDITION	YES	NO	CONDITION
<input type="checkbox"/>	<input type="checkbox"/>	1. Will this property be the buyer's primary residence? <i>(Meaning homestead.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	3. Homestead <i>(Please note that you must actually use the property as your homestead during the year for which you are applying. See the instructions for more information.)</i>
<input type="checkbox"/>	<input type="checkbox"/>	2. Does the buyer have a homestead to be vacated for this residence? If yes, provide complete address of residence being vacated, including county. <i>(Please note that if the buyer moves from his Indiana homestead after March 1 to a new homestead during that same year, the buyer may be able to receive the Homestead Deduction on both properties for that assessment date.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	4. Solar Energy Heating/Cooling System
			<input type="checkbox"/>	<input type="checkbox"/>	5. Wind Power Device
			<input type="checkbox"/>	<input type="checkbox"/>	6. Hydroelectric Power Device
			<input type="checkbox"/>	<input type="checkbox"/>	7. Geothermal Energy Heating/Cooling Device
			<input type="checkbox"/>	<input type="checkbox"/>	8. Is this property a residential rental property
Address (number and street)			Was property being purchased vacant land and/or a partially completed structure on the preceding assessment date?		
City, state, and ZIP Code			<input type="checkbox"/> Yes <input type="checkbox"/> No		
County					



Part 1 F Changes

- Deleted #9 as there is a separate state form for requesting e-bills.
- Added box asking if property being purchased was vacant land and/or a partially completed structure on the preceding assessment date.
(statute)
- Regarding question “Does the buyer have a homestead in Indiana to be vacated for this residence,” deleted “in Indiana.”

A sales disclosure form submitted to the county assessor and county auditor by December 31 by or on behalf of the purchaser(s) of a homestead (as defined by IC 6-1.1-12-37) assessed as real property may be used to apply for certain deductions.
(Select those deductions for which the purchaser(s) want to apply.)

YES	NO	CONDITION	YES	NO	CONDITION
<input type="checkbox"/>	<input type="checkbox"/>	1. Will this property be the buyer's primary residence? (Meaning homestead.)	<input type="checkbox"/>	<input type="checkbox"/>	3. Homestead (Please note that you must actually use the property as your homestead during the year for which you are applying. See the instructions for more information.)
<input type="checkbox"/>	<input type="checkbox"/>	2. Does the buyer have a homestead to be vacated for this residence? If yes, provide complete address of residence being vacated, including county. (Please note that if the buyer moves from his Indiana homestead after March 1 to a new homestead during that same year, the buyer may be able to receive the Homestead Deduction on both properties for that assessment date.)	<input type="checkbox"/>	<input type="checkbox"/>	4. Solar Energy Heating/Cooling System
			<input type="checkbox"/>	<input type="checkbox"/>	5. Wind Power Device
			<input type="checkbox"/>	<input type="checkbox"/>	6. Hydroelectric Power Device
			<input type="checkbox"/>	<input type="checkbox"/>	7. Geothermal Energy Heating/Cooling Device
			<input type="checkbox"/>	<input type="checkbox"/>	8. Is this property a residential rental property
Address (number and street)			Was property being purchased vacant land and/or a partially completed structure on the preceding assessment date?		
City, state, and ZIP Code			<input type="checkbox"/> Yes <input type="checkbox"/> No		
County					

Signature of Buyer/Representative 1	Date signed (mm/dd/yyyy)	Signature of Buyer/Representative 2/Spouse	Date signed (mm/dd/yyyy)
If name of signer differs from name as it appears on conveyance document, print name of signer here.	Title of Buyer/Representative	If name of signer differs from name as it appears on conveyance document, print name of signer here.	Title of Buyer/Representative
E-mail address	Telephone number ()	E-mail address	Telephone number ()



Part 1 F Changes

- Amended signature box to cover “Buyer/Representative.”
- Amended “Printed Name of Buyer” box to say “If name of signer differs from name as it appears on conveyance document, print name of signer here.”
- Added “Title of Buyer/Representative” boxes.
- Moved e-mail/telephone number boxes to below the printed name/title boxes.
- Repositioned boxes for identification numbers and clarified what must be provided (clarified that spousal information must be included if buyer is applying for the homestead deduction, even if spouse’s name not on conveyance document). (statute)
- Added box requiring information about the address of any other property the homestead deduction applicant owns, is buying, or has beneficial interest in. (statute)

Signature of Buyer/Representative 1		Date signed (mm/dd/yyyy)		Signature of Buyer/Representative 2/Spouse		Date signed (mm/dd/yyyy)	
If name of signer differs from name as it appears on conveyance document, print name of signer here.		Title of Buyer/Representative		If name of signer differs from name as it appears on conveyance document, print name of signer here.		Title of Buyer/Representative	
E-mail address		Telephone number ()		E-mail address		Telephone number ()	
Last 5 Digits of Social Security number of Buyer 1 XXX-X		Last 5 digits of Buyer 1 Driver's License number /State ID/Other number (List only if individual does not have a Social Security number.)		Last 5 Digits of Social Security number of Buyer 2/Spouse XXX-X		Last 5 digits of Buyer 2 / Spouse Driver's License number/State ID/Other number (List only if individual does not have a Social Security number.)	
State the address of any other property the homestead deduction applicant(s) owns, is buying, or has beneficial interest in. (number and street, city, state, and ZIP Code)							



Part 2

- For “Property” box, added “(Parcel Number)” so it would be clear what must be stated in the box.
- Amended “Value of Personal Property” box to say “Value of Depreciable Personal Property.”
- Amended “Identify physical changes to property between March 1 and date of sale” to “between assessment date and date of sale” (to account for change in assessment dates starting in 2016).

PART 2 - COUNTY ASSESSOR									
The county assessor must verify and complete items 1 through 14 and stamp the sales disclosure form before sending it to the auditor:									
	1. Property (Parcel Number)	2. Assessed Value of Land	3. Assessed Value of Improvement	4. Value of Depreciable Personal Property	5. Assessed Value Total	6. Property Class Code	7. Neighborhood Code	8. Tax District	9. Acreage
A.)									
B.)									
Assessor Stamp			10. Identify physical changes to property between assessment date and date of sale. _____ _____ _____ _____				YES NO CONDITION <input type="checkbox"/> <input type="checkbox"/> 11. Is form completed? <input type="checkbox"/> <input type="checkbox"/> 12. Sales disclosure fee required? 13. Date of sale (mm/dd/yyyy): _____ 14. Date form received (mm/dd/yyyy): _____		



Part 4

- Amended “Check all that apply” to “Check those deductions for which individual has applied.”
- Deleted “Electronic Statement” line.

PART 4 – RECEIPT FOR STATEMENT OF DEDUCTION OF ASSESSED VALUATION					
SDF ID		SDF Date (mm/dd/yyyy)		Buyer 1 - Name as appears on conveyance document	
Parcel number			Address of Property (number and street)		
<i>Check those deductions for which individual has applied:</i> <input type="checkbox"/> Homestead <input type="checkbox"/> Solar Energy <input type="checkbox"/> Wind Power <input type="checkbox"/> Hydroelectric <input type="checkbox"/> Geothermal <input type="checkbox"/> Rental Property			City, state, and ZIP Code of property		
			Auditor Signature		Date (mm/dd/yyyy)
A person who knowingly and intentionally falsifies value of transferred real property, or omits or falsifies any information required to be provided in the sales disclosure form, commits a Class C felony.					



Instructions — Definitions

- Amended definition of conveyance document to eliminate reference to judgments, to clarify when government/public utility easements/rights-of-way require a sales disclosure form, and to expand on what does not constitute a conveyance document. Also included more descriptive list of deeds that do not require a sales disclosure form.
- Amended definition of personal property to mean individual personal property, such as window treatments and furniture that are sold with a house as well as depreciable business property, such as copy machines or tools.

Definitions

Conveyance Document means any of the following that purports to transfer a real property interest for valuable consideration: any document, deed, contract of sale, agreement, judgment, lease that includes the fee simple estate and is for a period in excess of ninety (90) years, quitclaim deed serving as a source of title, or document presented for recording. Filers are required to disclose, but are not subject to a fee, when filing the following: documents for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate; documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety; or a transfer to a charity or not-for-profit organization. Filers should note that the following items do NOT require a SDF: security interest documents such as mortgages or trust deeds; leases less than ninety (90) years; agreements and other documents for mergers, consolidations, and incorporations involving solely non-listed stock; quitclaim deeds not serving as a source of title; public utility or governmental easements or rights-of-way; affidavits; and generally transfer on death deeds. Additionally, a SDF is not required for a transfer for no consideration or a gift, or when rerecording to correct a previously-recorded document. The following deeds do not require a SDF: a deed that distributes real property from a trust or from an unsupervised estate (as distinguished from a sale); a deed for an in-kind capital contribution of real property to an LLC, partnership, corporation, or other business entity; a deed for a gratuitous transfer of real property to a trust; or a deed for a distribution of real property from a liquidating and dissolving corporation, partnership, or LLC to a former member, partner or shareholder.

Personal property can mean individual personal property, such as window treatments and furniture that are sold with a house, and it can also mean depreciable business property, such as copy machines or tools.



Instructions — A. Property Transferred

- Deleted phrase “If the property is personal property, the county assigned ID is required.” (since SDF is only for transfer of real property, not clear why this was ever included)
- Added #8, “Describe ownership interest transferred.” (statute)



Instructions — B. Conditions

- Amended #8 from “Land contract” to “Contract” and to add that “A sales disclosure form is to be completed and filed at the time the contract is executed and again at the close of the contract. In both cases, the sales price is the original land contract amount. The deed should not be transferred until the close of the contract.”
 - For #9, defined “Personal property included in transfer” to mean “Individual or depreciable personal property included in sale of real property.”
 - For #10, changed March 1 to “assessment date” (to account for change in assessment dates starting in 2016).
8. Contract: Contract term and Contract date: A purchase allowing the grantee possession of the property with the grantor retaining the deed to the property until the terms of the contract are met. The contract term is listed as a two-digit number. A SDF is to be completed and filed at the time the contract is executed and again at the close of the contract. In both cases, the sales price is the original land contract amount. The deed should not be transferred until the close of the contract.
 9. Personal property included in transfer: Individual or depreciable personal property included in sale of real property.
 10. Physical changes to property between the assessment date and date of sale: A change from current property class status or change to a different use, i.e., grocery store changing to bowling alley.



Instructions — B. Conditions

- For #12, clarified that “The public utility/government easements/rights-of-way for which a sales disclosure form is not needed would include, for instance, access to a sewer cover on a person’s front lawn. However, there may be situations where a government entity or public utility purchases an easement or right-of-way, thereby necessitating a sales disclosure form.”
- For #15, eliminated reference to government. (statute)

12. Easements or right-of-way grants: Right held by one party to use the land of another for a specific purpose. The public utility/governmental easements/rights-of-way for which a SDF is not needed would include, for instance, access to a sewer cover on a person’s front lawn. However, there may be situations where a government entity or public utility purchases an easement or right-of-way, thereby necessitating a SDF.
15. Transfer to a charity or not-for-profit organization: Identify if the property will be owned by a charity or not-for-profit organization as a result of the transfer.



Instructions — C. Sales Data

- Amended “conveyance date” definition to read “Date the property was transferred. This is normally the date the conveyance document is signed or the date of the most recent signature on the conveyance document. Please note that deeds are executed only once they have been signed and delivered. The conveyance date may not always be the date of closing. Circumstances can vary and filers are encouraged to confer with the appropriate closing agent or legal counsel for guidance.”
 - Amended #2 to make clear that “multiple parcels can be listed on the same form only if they are contiguous and located entirely within a single taxing district.”
1. Conveyance date: Date the property was transferred. This is normally the date the conveyance document is signed or the date of the most recent signature on the conveyance document. Please note that deeds are executed only once they have been signed and delivered. The conveyance date may not always be the date of closing. Circumstances can vary and filers are encouraged to confer with the appropriate closing agent or legal counsel for guidance.
 2. Total number of parcels: Total number of parcels included on the conveyance document. Each should be listed separately in table A above. If there are more than two parcels involved in the transaction, additional parcel information must be included in an attachment to the SDF. Again, multiple parcels can be listed on the same form only if they are contiguous and located entirely within a single taxing district.



Instructions — C. Sales Data

- Amended #5 to address the estimated value of individual personal property, which should “reflect the value of any individual personal property included with the sale of the real property (i.e., home furnishings, window dressings, décor).”
 - Added #6 to address the estimated value of depreciable personal property, which should “reflect the value of depreciable personal property included with the sale of the real property (i.e., business equipment like copy machines or tools).”
 - Amended #13 (formerly #12) to say “Deduct the amount of principal.”
-
5. Provide estimated value of individual personal property: This should reflect the value of any individual personal property included with the sale of the real property (i.e., home furnishings, window dressings, décor).
 6. Provide estimated value of depreciable personal property: This should reflect the value of depreciable personal property included with the sale of the real property (i.e., business equipment like copy machine or tools).
-
13. State the amount in points, if applicable. Deduct the amount of principle.



Instructions — F. Buyers/Grantees – Application for Deductions

- Added explanatory phrase as it appears in the form.
- Clarified and expanded explanation of the information that must be included in order to validly apply for homestead deduction. (statute)

F. BUYER(S)/GRANTEE(S) – APPLICATION FOR DEDUCTIONS

A SDF submitted to the county assessor and county auditor by December 31 by or on behalf of the purchaser(s) of a homestead (as defined by IC 6-1.1-12-37) assessed as real property may be used to apply for certain deductions.

Buyer(s)/grantee(s) are to provide the full name, address, telephone number, and email for buyer(s) or entity as applicable. The contact information provided is used by county officials to validate the sale and must be valid for at least thirty (30) days following the filing of the SDF. If there are more than two (2) individuals or entities involved in the transaction, additional ownership information must be included in an attachment to the SDF. Telephone number and email are requested in order for the assessor to validate the sale. Telephone numbers provided are retained as confidential. The buyer/grantee must also indicate whether the property will be used as the buyers/grantee's primary residence. Buyer(s)/grantee(s) are required to sign certifying that the SDF is true, correct, and complete as required by law, and is prepared in accordance with IC 6-1.1-5.5. The SDF may be used to apply for the homestead standard deduction for this property. Applicants must state the names of the applicant and applicant's spouse (if any) as the names appear in the records of the US Social Security Administration or that they use as their legal name when they sign their names on legal documents; and either the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any) or, if the applicant or the applicant's spouse (if any) do not have a Social Security number, any of the following for that individual: (i) the last five (5) digits of the individual's driver license number; (ii) the last five (5) digits of the individual's state identification card number; (iii) if the individual does not have a driver license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the federal government (i.e., a Permanent Resident Card). A valid out-of-state driver's license number may be used. Social Security numbers are confidential pursuant to IC 16-1.1-5.5-3(e). Failure to provide this information may result in the denial of the deduction. Please note that the applicant(s) must actually use the property as his/her homestead during the year for which he or she is applying. An individual's homestead is his or her principal place of residence, meaning the individual's true, fixed, permanent home to which the individual has the intention of returning after an absence.



Instructions — Part 2

- Amended #4 to clarify that this box is for documenting the value of depreciable personal property, not individual personal property.
 - Amended March 1 in #10 to “assessment date.”
 - Deleted phrase “Sales disclosure forms provided in response to public records requests may not include telephone numbers” since there is already a statement at the top of the first page of the form indicating that phone numbers and Social Security numbers are confidential.
4. Value of Personal Property. The most recent assessed value of the depreciable personal property identified for this parcel, or an estimated value for the depreciable personal property identified as determined by the county assessor. Again, this figure should reflect only the assessed value of depreciable personal property, not individual personal property.
10. Identify physical changes to property between the assessment date and date of sale. The county assessor is responsible for determining whether or not significant physical changes have been made to the property between the assessment date and the date of sale.



Instructions — Part 3

- Clarified that if buyer or seller fails to completely fill out their designated portions of the form “or if the form is not included with the conveyance document,” the auditor may not accept the conveyance document. (statute)
- Deleted reference to state-provided homestead credit as this has been repealed.
- Deleted phrase “Sales disclosure forms provided in response to public records requests may not include telephone numbers” since there is already a statement at the top of the first page of the form indicating that phone numbers and Social Security numbers are confidential.

PART 3 – COUNTY AUDITOR

The county auditor is responsible for correctly collecting the filing fee as well as ensuring that all parties to the conveyance have completed and signed the SDF as required. The county auditor may not accept the SDF if (1) the buyer or seller fails to completely fill out their designated portions of the form; (2) the SDF is not included with the conveyance document; or (3) the SDF is incomplete and/or is not stamped by the county assessor. If the buyer or seller fails to completely fill out their designated portions of the form, or if the form is not included with the conveyance document, the county auditor may not accept the conveyance document. The county auditor must also confirm the date the property was duly entered for transfer.



Instructions — Deductions

- Replaced deductions pages with current version of Property Tax Benefits Form.
- Deleted reference to March 1/January 15 assessment dates.



Frequently Asked Questions

- **Can we make every person recording a deed file an SDF? If not, for those parties that need not file an SDF, can we make them file a county-prescribed form?**
- No, you cannot make every party recording a deed file an SDF. Only certain circumstances necessitate an SDF. As for imposing a county-prescribed form, this is probably more of a local decision counties make with the advice and counsel of their legal counsel. Counties should refrain from making the process of recording deeds or transferring property unreasonably burdensome. **ONLY SDFs CAN BE USED FOR TRENDING/RATIO STUDIES!**



Frequently Asked Questions

- One of the most common complaints the Department receives concerning SDFs is inconsistency among counties in the way the forms are processed. The statute below suggests that while there may be some variation from county to county, there should not be substantial departure from state law:

IC 6-1.1-5.5-3

- **Sales disclosure form filing and review process; forwarding and use of forms; confidential information; conveyance of multiple parcels**
- (f) County assessing officials, county auditors, and other local officials may not establish procedures or requirements concerning sales disclosure forms that substantially differ from the procedures and requirements of this chapter.



Frequently Asked Questions

Consistency is the major issue! Examples (as alleged by ILTA):

- Whether or not the transaction is exempt from SDF, some counties always require SDF. **Response: See slide 25.**
- Some counties have a policy that SDF is required on any transaction. **Response: See slide 25.**
- Some counties require SDF on easements. **Response: See slides 6, 15, and 18.**
- Some counties require SDF and fee in divorce and some do not. **Response: If you have a document for a compulsory transaction involving divorce, an SDF is required but there is no fee.**
- Some counties require handwritten SDF and some require computer/electronic submission. **Response: A county may choose to accept longhand submissions. In the event that a form is submitted longhand, the county assessor's office will enter the data in the database.**
- Some counties will only take black ink. **Response: Black ink is the preferred type of ink to be used, as other colors can cause problems for scanning purposes, so the form should (not must) be either typed or printed in black ink. However, the signatures on page 2 do not have to be in black ink.**



Frequently Asked Questions

- Some counties require the signature of a spouse on SDF even though spouse is not/never has been on the deed/title. **Response: Only the spouse completing the SDF needs to sign the form. However, if one spouse wishes to use the SDF to complete the application for the homestead standard deduction, both spouses' identification numbers must be provided regardless of who is the owner of the property. Married couples are limited to one homestead standard deduction and so the identification numbers of both spouses are important.**
- Multiple ways to attach additional parcels, such as: Multiple first pages of SDF submitted; Excel attachment listing all parcels; Addendum page with addition of 6-8 parcels. **Response: See slide 3.**
- Fees vary county to county depending on the number of legal descriptions in the deed. **Response: IC 6-1.1-5.5-4, Filing fee; exceptions; distribution of revenue, Sec. 4. (a) Except as provided in subsection (b), a person filing a sales disclosure form under this chapter shall pay a fee of ten dollars (\$10) to the county auditor.**
- What ID is allowed on SDF for buyer? Last 5 of driver's license, ID, or other number—some counties will not accept out of state ID. **Response: See slide 12.**
- Phone number and email required—should this be required or optional? **Response: Statute requires a phone number, but does not require an e-mail address.**



Frequently Asked Questions

- Inconsistency in filing any tax deductions on the SDF as some counties allow for deductions to be filed through the SDF and other counties will not allow any deductions through the SDF—not even the homestead.
Response: An SDF can be used to apply for certain deductions, including the homestead. If this portion of the SDF is validly completed, the auditor must allow the deduction.
- Most counties also require pink form to be filed to get homestead deduction anyway, so SDF information is redundant.
Response: The verification or “pink form” verification process has concluded. No taxpayer should be required to complete a pink form to obtain a new homestead deduction.
- Is the form for filing deductions or sales disclosure information?
Response: The SDF can be used to apply for certain deductions, but it is primarily about tracking sales data.
- How to handle receipts of the SDF?
Response: The receipt should be returned with the deed.



Don't Forget . . .

- There are quite a few SDF FAQs on the Department's website:
- <http://gatewaysdf.ifionline.org/FAQ.aspx>
- A lot of your questions could have answers there!



FAQs

The conveyance was for no consideration; however, the deed says “for \$1 and other valuable consideration.” How should we proceed?

In the case of a gift or other non-value transaction, the deed may still say that it was for \$1 or \$10 “and other valuable consideration.” This is a boilerplate statement that many attorneys use in drafting conveyance documents, but generally does not have any bearing on whether there is actually “valuable consideration” for the purposes of the sales disclosure statute. If the deed brought to the auditor’s office for filing says for \$1 or \$10, the assessor or auditor should ask whether the property was transferred for consideration. If it was, then a completed sales disclosure form would be required. If the individual says that the transaction was a gift, the auditor should accept the deed.



FAQs

Is a sales disclosure form required with a land contract? If so, what is the sales price?

Yes, a sales disclosure is required with the recording of a land contract. The sales price is the original land contract amount. At the time the deed is recorded to complete the land contract, another sales disclosure must be filed stating the sales price as the original land contract amount. The deed should not be transferred until the close of the contract.



FAQs

Do transfers from a testamentary trust require a sales disclosure form?

What about non-supervised distributions from an estate?

Neither of these documents requires a sales disclosure form to be filed with the recording.

Who can sign the form (for instance, can legal counsel do so)?

A bank or title company must have a notarized power of attorney form to be an authorized representative for the buyer or seller. An attorney representing either party is not required to have a power of attorney. Note that in cases where a corporation is the seller or buyer, a resolution or other legal document that designates authorized signatories for the business is an acceptable substitute for a power of attorney. Any person signing for the buyer or seller must be identified clearly and must provide contact information, including complete and legible name, address, and telephone number. The signature of only one buyer and one seller is required.



FAQs

Are original signatures required?

No. Faxed copies are acceptable.

Do both husband and wife have to sign the sales disclosure form?

Only the spouse completing the sales disclosure form must sign the form. However, if one spouse wishes to use the sales disclosure form to complete the application for the homestead standard deduction, both spouses' identification numbers must be provided even if the other spouse's name is not on the conveyance document. Married couples are limited to one homestead standard deduction and so the identification numbers of both spouses are important.



FAQs

I have a transaction that requires three different sales disclosure forms because the parcels are not contiguous, but they were all sold for one price in one transaction.

How do I split the value?

If the parcels are on different forms, the value of each parcel in the transfer needs to be broken out. This does not require a full appraisal; a good-faith estimate of the value of each parcel is sufficient. For multiple parcel sales on multiple sales disclosures, the sale price on all disclosures must be the total sale price of the entire transaction.

Can the county refuse to process an SDF or record a deed unless the title company or applicant completes part 4, page 3 of the form (the receipt portion)?

This section should probably be completed by the auditor's office. Regardless, the county cannot refuse to accept the form or process it or record a deed because part 4 was not completed by the title company or applicant. State law does not condition acceptance or processing of an SDF or deduction on completion of part 4 by the title company or applicant.



Special Note

- Please note that the highlighted phrase below was added to IC 6-1.1-25-20 in 2014, but has been deleted in 2015 (effective January 1, 2015)!

A county auditor who executes a tax deed under this chapter shall provide a copy of the tax deed to the grantee. The county auditor shall collect from the grantee the appropriate recording fee set forth in IC 36-2-7-10 on behalf of the county recorder and submit the tax deed directly to the county recorder for recording. The county recorder shall record the tax deed in the deed records and provide the recorded tax deed to the grantee in the normal course of business. **Notwithstanding IC 6-1.1-5.5-3, a sales disclosure form for such a property satisfies the requirements of IC 6-1.1-5.5 if only the county auditor signs the form.**



Cheat Sheet

• When are a sales disclosure form and fee required?

B. CONDITIONS – Check only those that apply.		B. CONDITIONS – Check only those that apply.		B. CONDITIONS – Check only those that apply.		B. CONDITIONS – Check only those that apply.	
If condition 1 applies, filer is subject to disclosure and a disclosure filing fee.		If condition 1 applies, filer is subject to disclosure and a disclosure filing fee.		If condition 1 applies, filer is subject to disclosure and a disclosure filing fee.		If condition 1 applies, filer is subject to disclosure and a disclosure filing fee.	
YES	NO	YES	NO	YES	NO	YES	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. A transfer of real property interest for valuable consideration.		1. A transfer of real property interest for valuable consideration.		1. A transfer of real property interest for valuable consideration.		1. A transfer of real property interest for valuable consideration.	
2. Buyer is an adjacent property owner.		2. Buyer is an adjacent property owner.		2. Buyer is an adjacent property owner.		2. Buyer is an adjacent property owner.	
3. Vacant land.		3. Vacant land.		3. Vacant land.		3. Vacant land.	
4. Exchange for other real property ("Trade"). Provide parcel number of traded property:		4. Exchange for other real property ("Trade"). Provide parcel number of traded property:		4. Exchange for other real property ("Trade"). Provide parcel number of traded property:		4. Exchange for other real property ("Trade"). Provide parcel number of traded property:	
5. Seller paid points. (Provide the value in Table C, Item 13.)		5. Seller paid points. (Provide the value in Table C, Item 13.)		5. Seller paid points. (Provide the value in Table C, Item 13.)		5. Seller paid points. (Provide the value in Table C, Item 13.)	
6. Change planned in the primary use of the property? (Describe in special circumstances in Table C, Item 3.)		6. Change planned in the primary use of the property? (Describe in special circumstances in Table C, Item 3.)		6. Change planned in the primary use of the property? (Describe in special circumstances in Table C, Item 3.)		6. Change planned in the primary use of the property? (Describe in special circumstances in Table C, Item 3.)	
7. Existence of family or business relationship between buyer and seller. (Complete Table C, Item 4.)		7. Existence of family or business relationship between buyer and seller. (Complete Table C, Item 4.)		7. Existence of family or business relationship between buyer and seller. (Complete Table C, Item 4.)		7. Existence of family or business relationship between buyer and seller. (Complete Table C, Item 4.)	
8. Contract. Contract term (year): _____ and contract date (mm/dd/yyyy): _____		8. Contract. Contract term (year): _____ and contract date (mm/dd/yyyy): _____		8. Contract. Contract term (year): _____ and contract date (mm/dd/yyyy): _____		8. Contract. Contract term (year): _____ and contract date (mm/dd/yyyy): _____	
9. Personal property included in transfer. (Provide the value in Table C, Item 5 and/or 6, as applicable.)		9. Personal property included in transfer. (Provide the value in Table C, Item 5 and/or 6, as applicable.)		9. Personal property included in transfer. (Provide the value in Table C, Item 5 and/or 6, as applicable.)		9. Personal property included in transfer. (Provide the value in Table C, Item 5 and/or 6, as applicable.)	
10. Physical changes to property between assessment date and date of sale. (Describe in special circumstances in Table C, Item 3.)		10. Physical changes to property between assessment date and date of sale. (Describe in special circumstances in Table C, Item 3.)		10. Physical changes to property between assessment date and date of sale. (Describe in special circumstances in Table C, Item 3.)		10. Physical changes to property between assessment date and date of sale. (Describe in special circumstances in Table C, Item 3.)	
11. Partial interest. (Describe in special circumstances in Table C, Item 3.)		11. Partial interest. (Describe in special circumstances in Table C, Item 3.)		11. Partial interest. (Describe in special circumstances in Table C, Item 3.)		11. Partial interest. (Describe in special circumstances in Table C, Item 3.)	
12. Easements or right-of-way grants. (Please note that normally public utility/governmental easements or rights-of-way that do not transfer fee simple do not require a sales disclosure form. See the instructions for more information.)		12. Easements or right-of-way grants. (Please note that normally public utility/governmental easements or rights-of-way that do not transfer fee simple do not require a sales disclosure form. See the instructions for more information.)		12. Easements or right-of-way grants. (Please note that normally public utility/governmental easements or rights-of-way that do not transfer fee simple do not require a sales disclosure form. See the instructions for more information.)		12. Easements or right-of-way grants. (Please note that normally public utility/governmental easements or rights-of-way that do not transfer fee simple do not require a sales disclosure form. See the instructions for more information.)	
If conditions 13-15 apply, filers are subject to disclosure, but no disclosure filing fee.		If conditions 13-15 apply, filers are subject to disclosure, but no disclosure filing fee.		If conditions 13-15 apply, filers are subject to disclosure, but no disclosure filing fee.		If conditions 13-15 apply, filers are subject to disclosure, but no disclosure filing fee.	
YES	NO	YES	NO	YES	NO	YES	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate.		13. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate.		13. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate.		13. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate.	
14. Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety.		14. Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety.		14. Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety.		14. Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety.	
15. Transfer to a charity or not-for-profit organization.		15. Transfer to a charity or not-for-profit organization.		15. Transfer to a charity or not-for-profit organization.		15. Transfer to a charity or not-for-profit organization.	
FORM IS REQUIRED. FEE IS REQUIRED.		FORM IS REQUIRED. NO FEE IS REQUIRED.		FORM IS REQUIRED. NO FEE IS REQUIRED.		NO FORM IS REQUIRED. NO FEE IS REQUIRED.	



Thank you!

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